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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,749	06/24/2005	Akinori Ito	100021-00157	9204
4372 ARENT FOX P	7590 01/05/2007 PLLC	,	EXAM	INER
1050 CONNEC	CTICUT AVENUE, N.V	V. :	VALENROD, YEVGENY	
SUITE 400 WASHINGTO	N, DC 20036	w.	ART UNIT	. PAPER NUMBER
	•		1621	
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SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MONTHS .		. 01/05/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)				
Office Action Cummons	10/540,749	ITO ET AL.				
Office Action Summary	Examiner	Art Unit				
	Yevgeny Valenrod	1621				
The MAILING DATE of this communication app Period for Reply	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status		,				
1) Responsive to communication(s) filed on 6/24/6	05.	•				
	action is non-final.					
3) Since this application is in condition for allowan		secution as to the merits is				
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4) Claim(s) 1-3 is/are pending in the application.						
 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ∑ Claim(s) 1 and 2 is/are allowed. 						
6)⊠ Claim(s) <u>7 a/lu 2</u> is/are allowed. 6)⊠ Claim(s) <u>3</u> is/are rejected.						
7) Claim(s) is/are objected to.						
<u> </u>	<u> </u>					
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Application Papers						
9) The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)⊠ All b)□ Some * c)□ None of:						
_	 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 					
	3. Copies of the certified copies of the priority documents have been received in this National Stage					
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary (Paper No(s)/Mail Da	(PTO-413) te				
3) Information Disclosure Statement(s) (PTO/SB/08)	5) Notice of Informal Pa					
Paper No(s)/Mail Date <u>4/17/06; 6/24/05.</u> .						

Art Unit: 1621

DETALED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al. (*J Med. Chem.* **1984**, 27, 1579-1587).

Lee et al disclose compound 50 (page 1580 column 2, Scheme 2). The said compound meets the structural limitations of the instantly claimed acylbenzylamine derivative represented by the formula (7) when R⁴ represents a hydrogen atom.

Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Ozaki et al. (WO01/10825, disclosure of the corresponding US patent 6,812,229 is used as reference).

In column 47, line 22, Ozaki et al disclose methyl N-(2-chloro-5-acetylbenzyl)carbamate. The said compound meets all the structural limitations of the instant claim 3.

Art Unit: 1621

Allowable subject matter

Claims 1 and 2 are allowed. Acylation of halobenzenes in known in the art (House H. O. Modern Synthetic Reactions 2nd edition, 1972, Benjamin inc. page 798, first example). However, the search of prior art has failed to uncover references that anticipate, or render obvious acylation of 2-alkyl amino halobenzenes as is claimed in the instant application. Modifying the example in House by adding an aminoalkyl substituent to the halobenzene is not obvious because 1) amines are known to spoil Lewis acid catalysts, and because 2) adding groups to a substituted benzene can have an effect on the regioselectivity of an aromatic substitution reaction.

Conclusion

Claim 3 is rejected

Claims 1 and 2 are allowed

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yevgeny Valenrod whose telephone number is 571-272-9049. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page can be reached on 571-272-0602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/540,749

Art Unit: 1621

Page 4

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yevgeny Valenrod

Patent Examiner

Technology Center 1600

Thurman Page

Supervisory Patent Examiner

Technology Center 1600